

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHIMIC  
Deputy Attorney General  
4 State Bar No. 147392  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-3154  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-179**

12 **TRUCDI THY NGUYEN, AKA DI**  
13 **NGUYEN, AKA TRUC DI THY, AKA**  
**TRUC DI T**  
23 Splendor  
14 Irvine, CA 92618

**A C C U S A T I O N**

15 **Registered Nurse License No. 559085**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about August 23, 1999, the Board of Registered Nursing issued Registered  
24 Nurse License Number 559085 to Trucdi Thy Nguyen, aka Di Nguyen, aka Truc Di Thy, aka  
25 Truc Di T (Respondent). The Registered Nurse License was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on December 31, 2012, unless renewed.

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2
- 3
- 4

5  
6  
7  
8

9  
10  
11  
12

## 13

14

15  
16

17

19

20

21  
22

24  
25  
26  
27

28

1 8. Title 16, California Code of Regulations, section 1443, states:

2 As used in Section 2761 of the code, 'incompetence' means  
3 the lack of possession of or the failure to exercise that degree of  
4 learning, skill, care and experience ordinarily possessed and  
exercised by a competent registered nurse as described in Section  
1443.5.

5 9. Title 16, California Code of Regulations, section 1443.5 states:

6 A registered nurse shall be considered to be competent when  
7 he/she consistently demonstrates the ability to transfer scientific  
8 knowledge from social, biological and physical sciences in applying  
the nursing process, as follows:

9 (1) Formulates a nursing diagnosis through observation of  
10 the client's physical condition and behavior, and through  
interpretation of information obtained from the client and others,  
including the health team.

11 (2) Formulates a care plan, in collaboration with the client,  
12 which ensures that direct and indirect nursing care services provide  
for the client's safety, comfort, hygiene, and protection, and for  
13 disease prevention and restorative measures.

14 (3) Performs skills essential to the kind of nursing action to  
be taken, explains the health treatment to the client and family and  
15 teaches the client and family how to care for the client's health  
needs.

16 (4) Delegates tasks to subordinates based on the legal  
17 scopes of practice of the subordinates and on the preparation and  
capability needed in the tasks to be delegated, and effectively  
18 supervises nursing care being given by subordinates.

19 (5) Evaluates the effectiveness of the care plan through  
20 observation of the client's physical condition and behavior, signs  
and symptoms of illness, and reactions to treatment and through  
21 communication with the client and health team members, and  
modifies the plan as needed.

22 (6) Acts as the client's advocate, as circumstances require,  
23 by initiating action to improve health care or to change decisions or  
activities which are against the interests or wishes of the client, and  
24 by giving the client the opportunity to make informed decisions  
about health care before it is provided.

### 25 COST RECOVERY

26 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

### 3 DRUGS

4 11. Dilaudid, a brand name for hydromorphone, is a Schedule II controlled substance as  
5 designated by Health and Safety Code section 11055(b)(1)(J) and is a dangerous drug pursuant to  
6 Business and Professions Code section 4022.

### 7 FACTS

8 12. Respondent was employed as a Staff Nurse at University of Irvine Medical Center on  
9 November 6, 2009.

10 13. At 0809 hours on November 6, 2009, Respondent asked Registered Nurse T.L. to  
11 witness her waste Dilaudid in Pyxis.<sup>1</sup> The physician's order for Patient was 0.2 mg Dilaudid IVP,  
12 which is equivalent to 0.1 ml. Dilaudid is withdrawn from Pyxis in a 2 mg/1 ml vial. T.L.  
13 observed Respondent draw up 0.3 ml of Dilaudid in a syringe and told T.L. "It's o.k., you can go  
14 ahead." T.L. told Respondent that she would wait to watch her waste the excess Dilaudid. T.L.  
15 looked away momentarily when another nurse asked T.L. a question. When T.L. turned back to  
16 Respondent, there was 0.4 ml in the syringe. Since Respondent was also holding a bottle of  
17 saline, T.L. asked Respondent if she diluted the Dilaudid to 0.4 ml with saline. Although  
18 Respondent stated she diluted the Dilaudid, T.L. was unsure it could have been diluted so quickly  
19 but decided to believe Respondent.

20 14. At 1059 hours, Respondent asked T.L. to witness her waste Dilaudid again for the  
21 same patient. T.L. observed Respondent hold the syringe up after wasting and saw that 0.4 ml  
22 Dilaudid remained in the syringe. T.L. told Respondent to waste more Dilaudid until only 0.1 ml  
23 remained in the syringe. Respondent wasted until there was 0.3 ml in the syringe. T.L. told

24 <sup>1</sup> Pyxis is a trade name for the automatic single-unit dose medication dispensing system  
25 that records information such as patient name, physician orders, date and time medication was  
26 withdrawn, and the name of the licensed individual who withdrew and administered the  
27 medication. Each user/operator is given a user identification code to operate the control panel.  
28 Sometimes only portions of the withdrawn narcotics are given to the patient. The portions not  
given to the patient are referred to as "wastage." This waste must be witnessed by another  
authorized user and is also recorded by the Pyxis machine.

1 Respondent she had to waste more. Respondent wasted until there was 0.2 ml in the syringe.  
2 T.L. reminded Respondent of the dose ordered. Respondent responded by saying "but he  
3 [Patient] was in so much pain." T.L. had Respondent waste until only 0.1 ml was left in the  
4 syringe.

5 15. After Respondent administered the drug, T.L. confronted Respondent about the first  
6 wastage T.L. observed at 0809 hours. Respondent admitted that she did not dilute the drug but  
7 gave 0.4 ml to Patient. T.L. told Respondent that she could not give a different dose than what  
8 was ordered and that Respondent needed to call Patient's doctor. T.L. told Respondent what she  
9 did was outside the scope of her practice.

10 16. At 1659 hours, T.D., T.L.'s manager, met with Respondent and T.L. Respondent told  
11 T.D. that she drew up between 0.2 ml and 0.3 ml during the second wastage at 1059 hours and  
12 that she did not intend to give the full volume of medication. When T.D. asked why T.L. had to  
13 ask her to waste the appropriate amount more than twice, Respondent stated, "but the patient was  
14 in so much pain. He was crying and he had excruciating pain and no one was helping him."  
15 Respondent admitted to T.D. that she intended to give more than the ordered dose to help Patient.  
16 She admitted that she gave between 0.2 and 0.3 ml more than ordered, which is equivalent to two  
17 to three times the dose ordered. Respondent had no further patient contact after this event.

18 17. Respondent met with her manager, D.W., on November 9, 2009. Respondent  
19 admitted that she gave more medication than was ordered to Patient. Respondent's only  
20 explanation was that the patient needed it. Administration of the higher doses was not  
21 documented.

#### 22 **FIRST CAUSE FOR DISCIPLINE**

##### 23 **(Unprofessional Conduct)**

24 18. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)  
25 for unprofessional conduct in that on November 6, 2009, Respondent administered Dilaudid to  
26 Patient in doses that were higher than the physician's order, as more fully set forth in paragraphs  
27 12-17 and incorporated herein as though set forth in full.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Incompetence)**

3 19. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)  
4 for unprofessional conduct in that on November 6, 2009, Respondent exhibited incompetence, as  
5 that term is defined in title 16, California Code of Regulations, sections 1443 and 1443.5, by  
6 failing to exercise that degree of learning, skill, care and experience ordinarily possessed by a  
7 competent registered nurse when Respondent administered Dilaudid to Patient in doses that were  
8 higher than the physician's order, as more fully set forth in paragraphs 12-17 and incorporated  
9 herein as though set forth in full.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Unlawfully Obtaining, Furnishing or Administering Controlled Substances)**

12 20. Respondent is subject to disciplinary action under Code section 2762, subdivision (a),  
13 for unlawfully obtaining, possessing, furnishing and/or administering to another any controlled  
14 substance when Respondent obtained and administered Dilaudid to Patient in doses that were  
15 higher than the physician's order, as more fully set forth in paragraphs 12-17 and incorporated  
16 herein as though set forth in full.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board of Registered Nursing issue a decision:

- 20 1. Revoking or suspending Registered Nurse License Number 559085, issued to Trucdi  
21 Thy Nguyen, aka Di Nguyen, aka Truc Di Thy, aka Truc Di T;  
22 2. Ordering Trucdi Thy Nguyen to pay the Board of Registered Nursing the reasonable  
23 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
24 Code section 125.3; and,

25 ///

26 ///

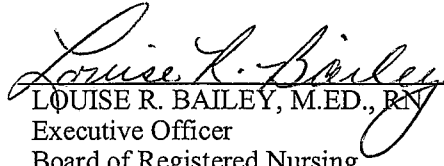
27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED: September 11, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

SD2012703618/10930848.doc